

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

MUZHGAN I. NAZAROVA,)	
)	
Plaintiff,)	
)	Case No. 1:16-CV-00910-WO-JEP
v.)	
)	
DUKE UNIVERSITY,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO COMPEL ARBITRATION OR, IN THE
ALTERNATIVE, TO DISMISS THE COMPLAINT FOR LACK OF SUBJECT
MATTER JURISDICTION**

COMES NOW Defendant Duke University (“Duke” or “Defendant”) moving to compel arbitration of Plaintiff’s claims in this lawsuit pursuant to the Federal Arbitration Act, 9 U.S.C. § 1, *et seq.*, and, alternatively, to dismiss this action pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure. In support of this motion, Duke submits a memorandum of law and the Declaration of Denise Evans to which Duke’s binding dispute resolution procedure and proof of Plaintiff’s agreement to be bound by this procedure are attached.

WHEREFORE, Duke respectfully requests that its motion be granted, that this suit be stayed, and that Plaintiff’s claims be ordered to arbitration in accordance with the parties’ mutually binding arbitration agreement. Alternatively, Duke requests that Plaintiff’s Complaint be dismissed under Rule 12(b)(1) of the Federal Rules of Civil Procedure for lack of subject matter jurisdiction since all of Plaintiff’s claims are covered by a valid and enforceable agreement to arbitrate.

Respectfully submitted this the 15th day of August, 2016.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

/s/ Robert A. Sar

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